

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.C. and J.C., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MERCER CLARK,

Respondent-Appellant,

and

SARAH BYLER,

Respondent.

UNPUBLISHED

April 15, 2003

No. 244466

Ottawa Circuit Court

Family Division

LC No. 01-040635-NA

Before: Jansen, P.J., and Kelly and Fort Hood, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(g), (j), and (n). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent-appellant admitted that he began sexually abusing his stepdaughter when she was under the age of sixteen. The children at issue in this appeal were conceived during this sexual relationship. Respondent-appellant also admitted that he sexually abused his other stepdaughter. Respondent-appellant was incarcerated for first-degree criminal sexual conduct in January 2000, and the earliest he will be released from prison is in February 2004. The evidence further established that respondent-appellant physically and emotionally abused his stepson and his wife. In addition, respondent-appellant admitted that, before he entered prison, he used marijuana on a daily basis for twenty years.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). In terminating respondent-appellant's parental rights, the trial court properly considered respondent-appellant's sexual abuse of the children's mother, as well as respondent-appellant's physical, emotional, and sexual abuse of his other stepchildren, under the doctrine of anticipatory neglect. *In re Powers*, 208 Mich App 582, 592-593; 528 NW2d 799 (1995). Contrary to respondent-appellant's argument, the trial court had ample information regarding his unfitness as a parent to determine that termination of his parental rights was appropriate. The trial court properly found that respondent-appellant was an abusive person who should not be around children.

Affirmed.

/s/ Kathleen Jansen
/s/ Kirsten Frank Kelly
/s/ Karen M. Fort Hood